

REMARKS

Claim 37 is canceled without prejudice, and claims 32 to 36 and 38 to 62 are therefore currently pending in the present application.

It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for considering the filed Information Disclosure Statement, for acknowledging the foreign priority claim, and for acknowledging receipt of all certified copies of the priority documents.

Applicants thank the Examiner for indicating that claims 39, 40, 45, 47 to 53, 55, 58 and 59 include patentable subject matter and would be allowable if rewritten. The claims have been rewritten as suggested. Accordingly, claims 39, 40, 45, 47 to 53, 55, 58 and 59 are allowable.

Claims 37, 45 and 50 were objected to because of a minor informalities.

Although the objections may not be agreed with, to facilitate matters, claim 37 has been canceled herein without prejudice and claim 50 has been rewritten as suggested. Also, claim 45 has been rewritten to depend from claim 41 which provides that “*the brake actuating devices are electropneumatic pressure regulation modules*”. It is therefore respectfully requested that the present objections be withdrawn.

Claims 45 to 47 and 58 were rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite.

While the rejections of the claims may not be agreed with, to facilitate matters, the claims have been rewritten, without prejudice, so that the claims are plainly definite. Therefore, withdrawal of these rejections is respectfully requested. Since no other objections or rejections of claims 45, 47 and 58 appear in the present Office Action, it is respectfully submitted that these claims are allowable.

Claims 32 to 37, 42 to 44, 54 and 56 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Publication No. 2002/0180270 to Heckman et al. in view of U.S. Patent No. 5,042,883 to McCann et al.

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must not be based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

As clearly indicated by the Supreme Court in the *KSR* decision, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

As to claim 32, it is respectfully submitted that any review of the applied references makes plain that they do not disclose nor suggest the feature in which at least one of the brake actuating devices being activatable by more than one of the electronic control units, as provided for in the context of the claimed subject matter.

The present Office Action does not even assert that the applied references disclose or suggest this feature. Contrary to the conclusory assertions in the Office Action at pg. 4, the Heckmann reference also does not disclose at least one of the brake actuating devices being activatable by more than one of the electronic control unit. For example, according to the Heckman reference, it only states that: “*The control units, via drive or selection lines 34 and 36, 38 and 40, 42 and 44, 46 and 48, drive electromotively operated brake control units 50, 52, 54, and 56.*” (See Heckmann, paragraph 14). As in Fig. 2 of the Heckman reference, each control unit (26, 28, 30 and 32) is connected to one brake control unit (50, 52, 54, and 56) via a pair of drive or selection lines (34 and 36, 38 and 40, 42 and 44, 46 and 48) and each control unit “drives” the brake control unit to which it is connected.

It is therefore respectfully submitted that the applied references do not teach or suggest all of the features of claim 32, as presented, and that the present rejection of claim 32 should therefore be withdrawn.

Regarding the rejections of claim 33 to 36, 42 to 44, 54 and 56, these claims all depend from claim 32 and are therefore allowable for essentially the same reasons as claim 32, as presented.

Claims 38 and 57 were rejected under 35 U.S.C. § 103(a) as unpatentable over Heckman in view of McCann and further in view of U.S. Patent No. 3,566,242 to Williams.

Claims 38 and 57 both ultimately depend from claim 32 and are therefore allowable for the same reasons, since Williams does not cure – and is not asserted to cure -- the critical deficiencies of the Heckman and McCann references.

Claim 41 was rejected under 35 U.S.C. § 103(a) as unpatentable over Heckman in view of McCann and further in view of Williams and U.S. Patent No. 6,729,696 to Williams.

Claim 41 depends from claim 32 and is therefore allowable for the same reasons, since Williams does not cure – and is not asserted to cure -- the critical deficiencies of the Heckman and McCann references.

Claim 46 was rejected under 35 U.S.C. § 103(a) as unpatentable over Heckman in view of McCann and further in view of Williams and U.S. Patent No. 6,729,696 to Kemer et al.

Claim 46 depends ultimately from claim 32 and is therefore allowable for the same reasons, since Kemer does not cure – and is not asserted to cure -- the critical deficiencies of the Heckman, McCann and Williams references.

Claims 60 to 62 were rejected under 35 U.S.C. § 103(a) as unpatentable over Heckman in view of McCann and further in view of GB 2 400 506A to Monkman et al.

Claims 60 to 62 ultimately depend from claim 32 and are therefore allowable for the same reasons, since Monkman does not cure – and is not asserted to cure -- the critical deficiencies of the Heckman and McCann references.

Therefore all of pending claims 32 to 36 and 38 to 62 are allowable.

CONCLUSION

It is therefore respectfully submitted that all of claims 32 to 36 and 38 to 62 are allowable. It is therefore respectfully requested that the rejections and objections be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is respectfully requested.

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